

BEFORE THE BOARD OF ENVIRONMENTAL REVIEW  
AND THE DEPARTMENT OF ENVIRONMENTAL QUALITY  
OF THE STATE OF MONTANA

In the matter of the amendment of ARM )	CORRECTED NOTICE OF
17.24.132, 17.24.133, 17.24.134, )	AMENDMENT
17.24.136, 17.24.1206, 17.24.1211, )	
17.24.1218, 17.24.1219, 17.24.1220, )	(AIR QUALITY)
17.56.121 and the repeal of 17.24.1212 )	(ASBESTOS)
pertaining to revising enforcement )	(HAZARDOUS WASTE)
procedures under the Montana Strip and )	(JUNK VEHICLES)
Underground Mine Reclamation Act, the )	(MAJOR FACILITY SITING)
Metal Mine Reclamation Laws and the )	(METAL MINE RECLAMATION)
Opencut Mining Act, and the )	(OPENCUT MINING)
amendment of ARM 17.30.2001, and )	(PUBLIC WATER SUPPLY)
17.30.2003, repeal of 17.24.1212, )	(SEPTIC PUMPERS)
17.30.2005, 17.30.2006, and 17.38.606, )	(SOLID WASTE)
and the adoption of new rules I through )	(STRIP AND UNDERGROUND
VII pertaining to providing uniform )	MINE RECLAMATION)
factors for determining penalties )	(SUBDIVISIONS)
)	(UNDERGROUND STORAGE
)	TANKS)
)	(WATER QUALITY)

TO: All Concerned Persons

1. On December 22, 2005, the Board of Environmental Review and the Department of Environmental Quality published MAR Notice No. 17-239 regarding a notice of public hearing on the proposed amendment, repeal, and adoption of the above-stated rules at page 2523, 2005 Montana Administrative Register, issue number 24. On May 4, 2006, the board and department published the notice of amendment, repeal, and adoption of the rules at page 1139, 2006 Montana Administrative Register, issue number 9.

2. This corrected notice of amendment is being published to add references to a new rule that was inadvertently omitted in the adoption notice and to correct a numbering error. ARM 17.30.2003 and 17.56.121 were proposed with a reference to New Rules I through VII. In the notice of adoption, the board and department deleted the language from New Rule VI and placed it in New Rule VIII. However, the addition of New Rule VIII was inadvertently omitted from ARM 17.56.121. ARM 17.30.2003 and 17.56.121 should read as follows, new material underlined, stricken material interlined:

17.30.2003 ENFORCEMENT ACTIONS FOR ADMINISTRATIVE  
PENALTIES (1) through (7)(b)(ii) remain as amended.

~~(7)~~ (8) The department shall calculate a penalty in accordance with [NEW  
RULES I through ~~VII~~ VIII] (ARM 17.56.301 through 17.56.308).

(9) remains as amended.

17.56.121 DETERMINATION OF ADMINISTRATIVE PENALTIES

(1) remains as amended.

(2) For each violation, the department shall assess a penalty as provided in [NEW RULES I through ~~VII~~ VIII] (ARM 17.56.301 through 17.56.308) , and allow the time for corrective action, specified in the table in this rule. Pursuant to 75-11-525(4), MCA, the department may suspend a portion of the maximum administrative penalty based on the cooperation and degree of care exercised by the person assessed the penalty, how expeditiously the violation was corrected, and whether significant harm resulted to the public health or the environment from the violation.

The chart on pages 17-6040 and 17-6041 of the Administrative Rules of Montana remains as amended.

(3) and (4) remain as amended.

3. Replacement pages for this corrected notice were submitted to the Secretary of State for the June 30, 2006 deadline.

Reviewed by:

BOARD OF ENVIRONMENTAL REVIEW

/s/ James M. Madden

JAMES M. MADDEN  
Rule Reviewer

By: /s/ Joseph W. Russell

JOSEPH W. RUSSELL, M.P.H.,  
Chairman

DEPARTMENT OF ENVIRONMENTAL  
QUALITY

BY: /s/ Richard H. Oppen

RICHARD H. OPPER, Director

Certified to the Secretary of State, July 17, 2006.